

Board Meeting

November 13, 2007

The Board of Trustees met to hold a board meeting in the Municipal Building, 14 Baker Street, Patchogue, New York on November 13, 2007.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Dean, Devlin, Hilton, Krieger, McGiff, Deputy Village Clerk Detmer and Village Attorney Snead present.

The flag salute was led by Trustee Krieger.

Mayor Pontieri read the safety message

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the Board approved the minutes of October 22, 2007, as presented with no changes.

Upon a motion made by Crean, seconded by Deputy Mayor McGiff, and unanimously carried with Trustee Devlin abstaining, the Board approved the minutes of special meeting held on October 25, 2007 regarding eminent domain hearing, noting Trustee Devlin's absence.

Mayor Pontieri stated: The five largest bills are: Robert Green Trucks \$9,520.10 sanders, LIPA \$9,459.56 monthly billing, Metro Fuel \$5,478.83 diesel fuel, Paul Feuer \$4,937.50 prosecuting attorney, Robert Liere \$3,088.00 brush removal. The total for the month presented was \$343,522.28.

General Fund	\$294,225.59
Trust & Agency Fund	\$4,362.98
Capital Projects	\$2,414.62
Sewer Fund	\$24,672.65
BID Fund	\$3,833.28
Housing/Code Fund	\$1,907.30
Community Development Fund	\$11,955.86
General Bills	\$150.00

Total \$343,522.28

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the board approved the bills as presented.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the board approved request for General Fund to loan the Capital Projects Fund \$184,704.82.

Mayor Pontieri stated: The cash balances are available for your review as of 10/31/07.

Deputy Clerk Detmer read: Notice is hereby given that a Public Hearing will be held on Tuesday, November 13, 2007 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to consider a request by Patchogue 90, LLC for a special permit to construct residential units above their property located at 90 East Main Street. At said Public Hearing any person interested will be given the opportunity to be heard.

Gary Canella, architect for the owners of 90 East Main, stated: We are currently into the Building Department to finish out the rear end of that particular store. We are going to finish 3,000 more sq. feet that is vacant in the back of the building, open it up as you can

see on the elevations to the area in the back in the parking lot, facing Terry Street. And, hopefully, encourage some more retail activity from that particular end. As you know, there are some other plans within the Village in continuing developing Terry and developing the back of some of those stores. On top of that building, with a separate stairway, is a 1,500 sq. foot space. In speaking with Carol of the Bldg. Department, there are zoning documents and a certificate of existing use documents that go back into the '70's and as far back into the 1950's indicating commercial uses for that building and all of those spaces. We really don't know what the 1,500 sq. feet was used for over the years. It looks like it could have been apartments, office space and retail space. Right now it appears it might have been office space. When the owners of the building came to me, they felt office space was not going to be appropriate on top of the building the way it was situated and they asked if we would approach the Village to do two, one-bedroom apartments at 750 sq. feet each. That is the proposal you see before you tonight. The space is already existing. It can and will be used for something, but they felt the more appropriate use and the better use might be the two, single-bedroom apartments. The spending on the current project we are estimating about \$150,000 for improvements to the back of the building in the proposal that is into the building department now for a permit. This would also be probably another \$50,000 to \$60,000 of improvements to improve those apartments. That is our proposal for this evening. The ground floor retail space that they are improving now is being done as separate retail unit; it is 3,000 sq. feet and we are proposing possibly four tenants back there, about 700-800 sq. ft. per tenant. We blocked it out on paper into four spaces, but any retail customer could potentially take 1-4 of those spaces; it is not physically block up now. We don't feel there is a market for office space and the apartments would probably be more appropriate and it also fits into the current thinking to encourage people to live in the downtown area. They could have a washer/dryer. This is a D3 business and it is by special permit only.

Trustee Hilton stated: One of the criteria of a special permit is to prove that these units cannot be used for the zoning in which they are in. I am concerned about possibly converting office and retail into residential where we already have residential units in the Village that are available.

Gary Canella stated: Right now the only paperwork Carol was able to find she said it was a commercial building. They would be one-bedroom units. Mr. Celauro may be able to address your question on potential tenants.

Geppie Celauro, 33 Medford Avenue, Patchogue, New York, stated: I am a real estate broker, who not only sold Mr. _____ this property but suggested of the fact that he consider using this space, which has been empty for several years, with a better use. Mr. Canella stated the second floor already has bathrooms and all broken up rooms which is not going to be used for office space now. The downstairs, it was my suggestion, to make three small stores and rather than complete the interior of the space with dividing walls I suggested that they leave it so that if we had a tenant who would want double the space, we would not have to reconfigure the space. Because this building is tied to the sewer, because of its proximity to the heart of the Village—although we don't have a specific tenant in mind because it's hard to show the space at least until the exterior is completed—there are no vacancies in the Village of Patchogue right now. And we have a lot of inquiries from a coffee shop to small restaurants to little boutique-type places, which is encouraged, but we have now shown or discussed this spot. It will be rented and I think having residents upstairs is in keeping with the position that I believe in for the last five or six years is that we need to put people on Main Street walking. And the way you do that is to give them homes upstairs. When you talk about places in the Village that are not occupied—those are owner occupied. This would be a single bedroom rental property which means that there can only be two people. And along with that, I would make the recommendation and suggest to the Board, that upon the issuance of an annual

permit which is required, that there also would be an inspection. One would go hand in hand so that when these things, if they are put into place, every year they would be visited by the housing inspector to see that it is in compliance with the code. Then the permit would be issued. I think that should be a position that the Village takes throughout the Village with all these unoccupied potential single-bedroom rentals on the second floor. It would certainly put people on the street. It would create an opportunity for additional security. It is the way many downtowns throughout the country are going and I would encourage that you please consider this application.

Trustee Crean stated: One of my concerns is that there are currently rental apartments that have been built above what is going to be J&R's steakhouse. They went through a planning process and we encouraged them to construct very high-end units and they did so and they are beautiful. And they are having a difficult time renting them. I would like to give it some more thought before making a decision.

Trustee Hilton stated: There is a lot of rental stock in the Village that is in walking distance to the downtown area. I myself would prefer to see that better utilized. I am down on South Ocean with Section 8 to the right of me and two Section 8's across the street from me. I would really like to see quality rentals.

Mr. Celauro stated: I would like to address the issue of vacancies. Because quite frankly, it is the case nationwide that sales and rentals are counter cyclical and right now the rental market is very strong. You may have a Section 8 on either side of you, but if you go over to South Ocean Ave. and look at the 44-45 units at Seacrest Village, if he had 88 units he could rent them or 120, he could rent them. The issue is the quality of the project. He has one-bedroom units in that, and some of them are one bedroom in a loft. But, we are finding that to get good rentals is a challenge. We have no problems renting properties, and if the gentlemen who owns J.R.'s would call us, we would be happy to help him. But, we do rentals all day long and there is a demand for rentals and will continue. Because quite frankly, when people sell their houses or go into foreclosures, they are not buying, they are going into rentals and I think they are going to ride this out. I think the rental market is very strong right now. We have very few vacant places, but it does depend on the quality—the better the unit, the better the tenant. The worse condition the property—the worse tenant you are going to find.

Trustee Devlin stated: To some extent, Section 8 is the landlord's choice. And some landlords like Section 8 because they are guaranteed their rent every month and there is only a minimal amount they have to do to the property. If we could be guaranteed something like this would be of a high quality, I think that is what we want to see if we are going to consider something like this.

Attorney Snead stated: The specific use does not fit neatly in any category. In D3 you are allowed to have the same things you are allowed to have in D2. And in D2 you are allowed to have any residential kind of use. We don't have a specific use for apartments. We have apartment houses and garden apartments, but neither of them is what is going on here. This is probably something, if we are going to be getting this kind of application more and more, we probably need to look into changing the code and be very specific about single or double or 3 or 4 apartments on the second floor over business. The way we handled it last time with the folks at J&R, they had a pre-existing apartment use there and we took it as if it were a special permit on an existing use. But it didn't fit neatly into the code either. So I think at this point it might be time to create apartment use.

Gary Canella stated: They would use the Terry St. lot.

Mayor Pontieri asked: Any questions from the public?

None

Trustee Krieger asked: What would one expect to pay for rent up there.

Mr. Celauro stated: \$1250 to \$1350 for one bedroom. They front on Terry and the parking lot. Windows along the outside edges on both sides of the building.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board reserved decision on the application pending more information.

Deputy Clerk Detmer read: Notice is hereby given that a Public Hearing will be held on Tuesday, November 13, 2007 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to discuss creating a Local Law regarding the installation of a stop sign on Roe Boulevard at the intersection of Roe Boulevard and Shore Road. At said Public Hearing any person interested will be given the opportunity to be heard.

Trustee Dean stated: Several meetings ago, Mr. Nocita approached the Board during the Public to be Heard to bring this issue up. Shortly thereafter, we commissioned a traffic study to be done on that area with the idea of how practical and how effective a stop sign would be at one of the intersections on Roe Blvd. east of the bridge over the Lake. Unfortunately, we don't have that traffic study completed yet. I spoke to Lou Schwarz of Schneider Engineering and he said we should have it by the end of this week. It will be available for review then and I think it would be instrumental and advantageous to have that in hand before we made a decision on this. Although I have to share my own feelings on this with the Board. I think a stop sign somewhere along there I think is going to be a good idea. It is a long, straight run and cars build up pretty significant speed. I think it would be a good idea to slow traffic down.

Mr. Nocita stated: There are stop signs all over the Village. Have we gone through this process for every one of those stop signs?

Mayor Pontieri stated: Not every one. But, just from my position, it is a wider road, it is traveled differently from a lot of the smaller streets that we put them up on; that's my concern. Whether Shore Road, or Ketchum is the better of the two, that's my concern, or even down as far as Gillette possibly. That's my concern. I don't know. I think that circumstances of Roe Blvd. are different than Cedar Avenue; that's what I am looking at. When you come over the hill, do you want a stop sign as soon as you come over the bridge? That is my concern. My concern is because of the size and amount of traffic and because of the speed that traffic goes, where you place that stop sign is an issue.

Mr. Nocita stated: I would like to make a quick report on the Lake. The water was flowing south beautifully---this morning at 10 o'clock dead, two hours later, it was flowing. Needless to say, the Lake has considerably cleared up.

Mayor Pontieri stated: I kind of wonder if the dredging over time will help once we open up the river a little bit, a little bit deeper, and we will be getting a faster flow.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board reserved decision pending traffic study.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board approved request to hire Luigi Pascarella Consulting Engineering to

prepare bid specifications for the reconstruction of the pool at a cost not to exceed \$64,500.00.

Trustee Hilton stated: He had dropped the price of the engineering design to absorb the failed attempt last year of the last engineering attempt for Board of Health approval. He agreed to absorb that cost in the price of the engineering.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried the Board set a Public Hearing to be held on November 26, 2007, to consider creating a local law for the installation of "Parking by Permit Only" signs on the east and west side of North Summit Avenue from Main Street to Park Street and on the east and west side of South Summit Avenue from Main Street to 500 feet south of that intersection. Now that National has moved their operation over to where they are now, that parking that was used in the evenings by Fadley's is now off limits. This will move those cars that are now parking on South Summit over to Main Street where there is additional parking. This is just to relieve a situation that is created in the neighborhood when many restaurants abut residential.

B.I.D. Report – Dennis Smith stated: We did not have a quorum at the last meeting and, therefore, we have scheduled a special meeting for this coming Monday at 4 p.m. so we can conduct business that needs to be done for this month. Part of what we will be considering is perhaps more financial support to the "Christmas in Patchogue Committee" which we have already pledged some support to for advertising and promotion. And also on the list will be consideration for some financial support for the "First Night in Patchogue on New Year's Eve" which I think is a great event. With the members that we did have in attendance, it was discussed and it was generally well received as a positive thing. That is business that we will consider at the Nov. 19th meeting at 4 p.m.

Dennis Smith stated: On behalf of the B.I.D., we are always happy to do positive things and good things for Patchogue and it is nice when they get noticed. I would like to thank this Board and everybody who was involved for the consideration for the "Patchogue Pride Award."

Deputy Mayor McGiff stated: I think everyone n the Board would concur that the B.I.D., especially since we have taken office, has just been the "go to guy." The street cleaning, the flags on Veterans Day, the flowers, anything the Mayor and the Board needs and when we go to you, your Board is always there willing to assist us monetarily and time.

Mayor Pontieri stated I have received many comments on the corner of Rider Avenue and what you have done.

Chamber of Commerce Report – Tom Keegan stated: I did go to the B.I.D. meeting this afternoon to make a pitch for our proposal to have a fireworks show New Year's Eve. There are two places in NY State where you can have a great dinner and see a fireworks show and that is New York, NY and Patchogue, NY. I made a request of the BID to provide us with \$5,000 of funding. It was pretty well received by the members present. I have committed to your Honor and the Village that the Chamber on behalf of the restaurants and the other participating merchants will raise \$2,500 towards this program. We are going to have a \$10,000 fireworks show shot off on the southeast corner of Main Street and South Ocean Avenue and we are going to have a promotional program perhaps through Newsday, perhaps some radio and the L.I. Advance to get the word out to people that Patchogue is going to be the place to come for your New Year's 2008 celebration. Because there was not a quorum at the meeting, we cannot say there was an absolute commitment. We are committed to make this happen and with the Mayor's help we are

looking forward to bringing this forward. The Chamber will be entering into a contract with the Grucci organization to have this done. It will be called "Grucci Grand Illuminations for 2008 in Patchogue." It is going to be a vivacious explosion more so than a long-term fireworks show that you would see on the 4th of July. We are here tonight to ask the Board to approve the necessary road closings and the Grucci organization will be in touch with you directly on how to line that all up. We want to make sure to get the word out to everybody.

Trustee Hilton stated: I think this will be a great idea and hope it will go on for years.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the Board approved request for Chamber to have "Grucci Grand Illuminations for 2008 in Patchogue" on December 31, 2007 with necessary road closings and the Brookhaven Town Showmobile.

Trustee Krieger gave Theatre Report.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff and unanimously carried, the board approved request for Kiwanis Club of Patchogue, Inc. to hold their annual "Toy Trot" on Sunday, December 9th beginning at 9:30 a.m.

Trustee Crean gave Economic Development Report.

Upon a motion made by Trustee Crean, seconded by Trustee Krieger, and unanimously carried, the board approved request to remove certain Declarations of Covenants and Restrictions placed in 1981 on the fee owner of the former library building located at the south side of Lake Street.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the board deemed the above as an unlisted SEQUA with a negative declaration.

Trustee Hilton gave Parks & Recreation Report.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to go out to bid for the reconstruction of the roof at 390 Bay Avenue.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the board approved payment of \$25,800 to Luigi Pascarella Consulting Engineer for completed engineering work done on municipal pool project as per contract.

Deputy Mayor McGiff gave Building and Housing Report.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board accepted the resignation of Richard Clift as full time Housing Inspector.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Diane Kelly as a full time Housing Inspector at an annual salary of \$40,000 effective 11.19.07.

Trustee Devlin gave Planning and Zoning Report.

Trustee Dean gave DPW Report & Patchogue River dredging update

Board Meeting

November 13, 2007

Public to be Heard:

Henry Terry, Patchogue, NY

Don Wachsmith, 60 Carman St.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 9:20 p.m.